

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AMBER RAINEY *et al.*,  
  
Plaintiffs,  
  
v.  
  
MYLAN SPECIALTY L.P.,  
  
Defendant.

No. 3:17-cv-05244-RBL

DECLARATION OF THOMAS L. BOEDER  
IN SUPPORT OF DEFENDANT'S  
MOTION TO TRANSFER

I, THOMAS L. BOEDER, declare as follows:

1. I submit this Declaration with personal knowledge of the truth of the matters set forth herein. I am over 18 years old, am competent to testify to these facts, and would so testify if called as a witness.

2. I am an attorney duly admitted to this Court and a partner with the Seattle, Washington office of Perkins Coie LLP, which is counsel to defendant Mylan Specialty L.P. ("Mylan").

3. Attached as Exhibit A is a true and correct copy of Plaintiffs' response Exhibit F filed on May 17, 2017, in *In re EpiPen Marketing and Sales Practices Litigation*, MDL No. 2785 (J.P.M.L.).

DECLARATION OF THOMAS L. BOEDER IN  
SUPPORT OF DEFENDANT'S MOTION TO  
TRANSFER (NO. 3:17-CV-05244-RBL) – 1

69560-0045/135604694.3

**Perkins Coie LLP**  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

5. Attached hereto as Exhibit C is a true and correct copy of the transcript of a hearing held on April 25, 2017, in the action then captioned as *Serrano v. Mylan*, Case No. 2:16-cv-02711 (D. Kan.).

6. Attached hereto as Exhibit D is a true and correct copy of an order issued on April 25, 2017, in the case formerly captioned *Serrano v. Mylan*, Case No. 2:16-cv-02711 (D. Kan.), captioning that case *In re: EpiPen Auto-Injector Litigation*, Case No. 2:16-cv-02711 (D. Kan.) (the “*In re EpiPen* Action”).

7. Attached hereto as Exhibit E is a true and correct copy of a motion filed on May 2, 2017, in *In re: EpiPen Auto-Injector Litigation*, Case No. 2:16-cv-02711 (D. Kan.).

8. Attached hereto as Exhibit F is a true and correct copy of a memorandum filed in support of a motion to transfer on April 24, 2017, in *In re EpiPen Marketing and Sales Practices Litigation*, MDL No. 2785 (J.P.M.L.).

9. Attached hereto as Exhibit G is a true and correct copy of a response to Exhibit F filed on May 1, 2017, in *In re EpiPen Marketing and Sales Practices Litigation*, MDL No. 2785 (J.P.M.L.).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 17th day of May, 2017.

s/ Thomas L. Boeder  
Thomas L. Boeder

DECLARATION OF THOMAS L. BOEDER IN  
SUPPORT OF DEFENDANT’S MOTION TO  
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**CERTIFICATE OF SERVICE**

I certify that on May 17, 2017, I electronically filed the foregoing DECLARATION OF THOMAS L. BOEDER IN SUPPORT OF DEFENDANT'S MOTION TO TRANSFER with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorney(s) of record. In addition, I caused service to be made on the same attorney(s) of record by the method(s) indicated:

Steve W. Berman	___	Via hand delivery
Hagens Berman Sobol Shapiro LLP	___	Via U.S. Mail, 1st Class, Postage Prepaid
1918 Eighth Avenue	___	Via Overnight Delivery
Suite 3300	___	Via Facsimile
Seattle, WA 98101	<u>X</u>	Via Email
STEVE@HBSSLAW.COM	___	Other: _____

Attorneys for Plaintiff

Jennifer Fountain Connolly	___	Via hand delivery
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Attorneys for Plaintiff

Craig L. Briskin	___	Via hand delivery
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cbriskin@findjustice.com	___	Other: _____

Attorneys for Plaintiff

I certify under penalty of perjury that the foregoing is true and correct.

DECLARATION OF THOMAS L. BOEDER IN  
SUPPORT OF DEFENDANT'S MOTION TO  
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1 DATED this 17th day of May, 2017.

2  
3 s/ Thomas L. Boeder, WSBA No. 408

4 **Perkins Coie LLP**

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11 Attorneys for Defendant Mylan Specialty L.P.

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